REMARKS

Claims 1-17 were pending in the application and have been rejected. Claims 1, 3, 4, 8, 10 and 11 have been amended. Claims 2 and 9 have been canceled. Applicant respectfully requests reconsideration of the pending claims in light of the amendments and the following remarks.

CLAIM REJECTIONS UNDER 35 USC 103

The Office Action rejected claims 1-17 under 35 USC 103(a) as being unpatentable over Horvitz et al. (US 6161130) in view of Loughmiller et al. (US 7257564).

Independent claims 1, 8, 10, and 11 have been amended to incorporate the limitations of their dependent claims, requiring: a) mailboxes with overlapping ranges of spam content; and b) the same e-mail assigned to two mailboxes with overlapping ranges if that e-mail was graded with a spam grade within the overlapping range. Neither Horvitz nor Loughmiller teach or suggest these limitations. With regard to mailboxes with overlapping ranges, the Examiner submits the following portions of the cited references as teaching the subject limitation:

Loughmiller at Col. 3, lines 48-54: "The phrase "bulk periodicals" generally describes, when applied to messages, messages that are clearly not directed to the individual recipient, but which the recipient might wish to review anyway, such as for example information relating to updates of products the user is already using, or information relating to products or services the user is explicitly interested in."

Horvitz at Col. 8, lines 50-65: "Based on its classification, each message is routed to either of folders **223** or **227**, as symbolized by dashed lines **213** and **217**, for legitimate mail and spam, respectively. Alternatively, messages can be marked with an indication of a likelihood (probability) that the message is spam; messages assigned intermediate probabilities of spam can be moved, based on that likelihood, to an intermediate folder or one of a number of such folders that a user can review; and/or messages assigned a high probability of being spam can be deleted outright and in their entirety."

Applicant respectfully points out that Loughmiller teaches a mailbox for bulk periodicals which could have a low or high spam content, but this is still not a teaching of ranges of spam content assigned to mailboxes, with overlapping ranges. Loughmiller teaches placing emails which or may not be spam into the one specific "bulk periodicals" mailbox. This is not the same as assigning overlapping ranges to the mailboxes. In the instant application, an email which may or may not be spam would most probably be graded with an overlapping range and be placed into two separate mailboxes.

Horvitz takes into consideration that some emails can fall in between the classes of spam and non-spam, but Horvitz deals with this probability in a way which teaches away from the claims at issue. In Horvitz, "messages assigned intermediate probabilities of spam can be moved, based on that likelihood, to an intermediate folder or one of a number of such folders that a user can review." In contrast to the requirements of the instant claims, Horvitz sets up one "intermediate" location, but Horvitz does not assign overlapping ranges to two mailboxes for those emails that may encompass this "intermediate" determination.

As to the second requirement of the same e-mail assigned to two mailboxes with overlapping ranges if that e-mail was graded with a spam grade within the overlapping range, neither Horvitz nor Loughmiller can be presumed to teach this since they do not teach or suggest the overlapping ranges. Further neither Horvitz nor Loughmiller teach or suggest placing one email into two mailboxes for any reason.

As to claim 3, it is patentable over the cited references by virtue of its dependence on claim 1, but also because claim 3 further requires "presenting the user with an indication that the incoming electronic mail has been placed in more than one directory." Loughmiller and Horvitz do not teach this because they do not place an email into more than one directory. The Office Action presents the following sections of Horvitz and Loughmiller as providing this claim limitation:

Horvitz at Col. 8, lines 50-66: "In essence and as shown, program **130** has been modified, in accordance with our inventive teachings to include mail classifier **210** and illustratively, within mail store **220**, separate legitimate mail folder **223** and spam mail folder **227**. Incoming e-mail messages are applied, as symbolized by lead **205**, to an input of mail classifier **210**, which, in turn, probabilistically classifies each of these messages as either legitimate or spam. Based on its classification, each message is routed to either of folders **223** or **227**, as symbolized by dashed lines **213** and **217**, for legitimate mail and spam, respectively. Alternatively, messages can be marked with an indication of a likelihood (probability) that the message is spam; messages assigned intermediate probabilities of spam can be moved, based on that likelihood, to an intermediate folder or one of a number of such folders that a user can

review; and/or messages assigned a high probability of being spam can be deleted outright and in their entirety."

Loughmiller at Col. 7, lines 23-32: "In one embodiment, the end-user interface element **255** includes a user interface. The user interface element allows users to perform one or more of the following operations: modifying their spam filtering preferences, viewing a report of mail messages and how that mail was categorized and handled, and allowing the users to find and retrieve "false positives" (that is, good messages mistakenly identified as bulk periodicals or spam). The end-user interface element **255** might be built using known tools, such as for example HTML and PHP."

The above-cited portions do not provide any teaching of letting a user know that an email has been placed in two mailboxes. In fact, this limitation is not found anywhere in the cited references for the simple reason that Horvitz and Loughmiller do not place one email into two mailboxes.

Claim 4 further requires "prompting the user to take an action on the incoming electronic mail that has been placed in more than one directory." As stated above, Horvitz and Loughmiller do not place an email into more than one directory; therefore this claim is patentable over the cited references.

Claims 5, 6, 7, 12, 13, 14, 15, 16, and 17 all depend on claim 1 either directly or indirectly; therefore they are not unpatentable over the cited references by virtue of their dependency.

CONCLUSION

The claim amendments were made to incorporate subject matter from dependent claims 2 and 9. No new matter has been introduced and the claim amendments do not require a new search.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims. The Director is hereby authorized to charge any fees which may be required, including any petition for extension of time fees under §1.17, or credit any overpayment, to Deposit Account Number 50-0510.

Respectfully submitted,

__/Michael J. Buchenhorner/____

Michael J. Buchenhorner
Reg. No. 33,162

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Michael Buchenhorner, P.A.
8540 S.W. 83 Street
Miami, Florida 33143
(305) 273-8007 (voice)
(305) 595-9579 (fax)